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RESOLUTION NO. 2015-103

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ATTORNEYS' FEES; APPROVING ATTORNEYS' FEES AND COSTS FOR LEHTINEN SCHULTZ RIEDI CATALANO FUENTE, PLLC IN THE AMOUNT OF \$16,294; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village Council of the Village of Palmetto Bay engaged the law firm of Lehtinen Schultz Riedi Catalano Fuente, PLLC to provide Village Attorney legal services for the Village; and,

WHEREAS, Lehtinen Schultz Riedi Catalano Fuente, PLLC, submitted its statements to the Village for legal services rendered, and costs advanced, for the period ending October 31, 2015, in the amount of \$16,294; and,

WHEREAS, the amounts are reasonable and were necessarily incurred.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

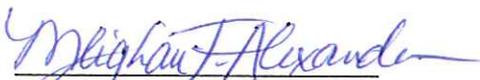
Section 1. Recitals. The above recitals are true and correct and incorporated herein by this reference.

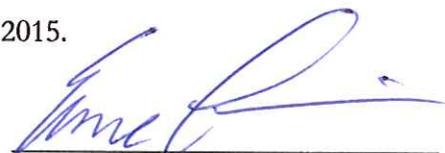
Section 2. Approval. The statements for attorneys' fees and costs received from Lehtinen Schultz Riedi Catalano Fuente, PLLC, in the total amount of \$16,294, copies of which are attached, are approved for payment.

Section 3. Effective Date. This resolution shall take effect immediately upon approval.

PASSED and ADOPTED this 7th day of December, 2015.

Attest:


Meighan J. Alexander
Village Clerk


Eugene Flinn
Mayor

Lehtinen Schultz Riedi Catalano Fuente
1111 Brickell Avenue, Suite 2200
Miami, Florida 33131

October 2015
Village of Palmetto Bay

Statement Period: **October 2015**

Client: **Village of Palmetto Bay, Florida**

<u>Date</u>	<u>Individual</u>	<u>Subject</u>	<u>Time</u>
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General Government

10/5	DL	Confer with Mayor, Manager, Clerk on various items; attend regular Village Council meeting; prepare for Council meeting	7.8
10/13	DL	Meet at Village Hall with staff; review all draft proposed ordinances	2.1
10/14	DL	State of the Village speech by Mayor (no charge)	0.0
10/15	JC	Review issues relating to loan agreement (refinancing Village debt), including correspondence from lender's counsel, matters relating to timeline and related issues in connection with loan closing	1.1
10/16	DL	Meet with VPB staff on proposed ordinances regarding Transfer of Development Rights (TDRs), downtown development area, employment issues, public records	3.9
10/16	JC	Review Resolution and issues with respect to refunding loan; authorization, proceeds; review bonding disclosure requirements and disclosure documents; attend to specifics of loan transaction; prepare comments and questions	1.9
10/18	JC	Analyze and review mark-up loan agreement, escrow deposit agreement, promissory note and ancillary documents; prepare notes and comments	2.8
10/19	BF	Review re-financing resolution	0.3
10/19	JC	Confer with CR regarding due diligence matters; further review and analyze loan agreement and prepare redline; prepare draft of loan opinion; transmit comments to lender's counsel	3.5

**Lehtinen Schultz Riedi Catalano Fuente
1111 Brickell Avenue, Suite 2200
Miami, Florida 33131**

October 2015/Village of Palmetto Bay (continued)

General Government (continued)

10/20	JC	Review response from lender's counsel with respect to loan documents and comments to opinion; confer with CR regarding matters relating to due diligence	0.5
10/21	JC	Further follow-up regarding loan document questions and comments for Village Manager and CFO; prepare response to lender's counsel	0.8
10/22	DL	Meet with Planning staff regarding upcoming issues; meeting of Charter Revision Commission; prepare for meeting; discussion with Clerk	3.8
10/22	DL	Address questions and issues for lender's counsel in connection with proposed changes to resolution and authorization; review Charter regarding same; follow-up with DL regarding authorization of Village Manager; telephone conference with lender's counsel	1.2
10/22	CR	Ecostrata service agreement; call from DL and M. Alexander review agreement; email Alexander; call from V. Bencomo and email to Bencomo	0.5
10/23	JC	Attend to due diligence matters in connection with proposed loan (refinancing)	0.3
10/27	CR	Review Sunshine Law regarding repetitive requests for large volumes of documents (abusive requests)	1.0
10/26	DL	Confer with Clerk regarding public records, resolution, ordinances; meeting of Palmetto Bay Youth Advisory Council (present public meetings and public records law); prepare for meeting	4.2
10/28	DL	Meeting of Parks Advisory Committee (present public meetings/records law); meet earlier with lender's counsel, Manager, Clerk to execute loan refinancing documents; meet with Planning regarding TDRs and downtown development	3.5

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October 2015/Village of Palmetto Bay (continued)

General Government (continued)

10/29	CR	Review and analyze final drafts of loan documents and follow-up with DL regarding same	0.8
10/29	DL	Conference with Clerk, Manager regarding various issues (public records, pending resolutions, pending ordinances)	3.6
10/30	JC	Communication with lender's counsel regarding loan documents, execution by DL, Manager and Clerk (earlier), and related matters; prepare correspondence for Village Manager and CFO and due diligence; and finalize loan opinion	2.3

Zoning/Land Use

10/2	JC	Review pending issues with respect to South Motors request; follow-up with Delsalle re: same; communications with South Motors attorney on provisions in park-use covenant	0.8
10/2	CR	Review entire Schele file; review Palmetto Bay code regarding enforcement of orders and liens, and Florida law on enforcement through circuit court; email to DL on law applicable to Schele case	3.6
10/6	DL	Meet with Manager, Planning Director, constituent regarding possibility of Transfer of Development Rights (DR) ordinance for areas other than downtown development area; discussion with Manager and Planning regarding TDR drafts; meeting with Manager and Planning Director regarding downtown development ordinance draft	4.7
10/8	DL	Discussion at Village Hall regarding draft ordinance for development rights of government facilities site approval while on appeal of Council decision	1.8
10/8	JC	Review and analyze pending issues for South Motors, including matters relating to phasing plan; prepare to T. Kendall regarding status of same	0.5

**Lehtinen Schultz Riedi Catalano Fuente
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October 2015/Village of Palmetto Bay (continued)

Zoning/Land Use (continued)

10/15	JC	Further review of matters regarding site plan and phasing of South Motors; review correspondence from Juan Loumier in connection with easement agreement; telephone call with T. Kendall to discuss site plan and phasing	1.0
10/19	DL	Meeting of Land Planning Agency (LPA); meeting of Palmetto Bay Council meeting on zoning; adopt amendments requested by Miami-Dade Fire Department for fire station site; prepare for zoning meeting	3.2

Litigation

10/1	CR	Various telephone calls with DL and opposing counsel re: fire station appeal; various emails with Delsalle	1.4
10/1	DL	Discuss fire station appeal matters; review possible settlement problems	1.0
10/5	CR	Confer with DL concerning settlement terms; confer with Delsalle concerning meeting to approve settlement; consult VPB code	0.4
10/6	CR	Review DL's proposed changes to settlement agreement; confer with DL; schedule telephone conference for 10/7	0.3
10/7	CR	Various telephone calls with DL; conference call with attorney for plaintiff; call from attorney for County; review various settlement documents; draft letter to attorney for County	2.2
10/8	DL	Discussion with attorneys on Fire Station appeal; analyze defects of proposed settlement; draft necessary changes and/or clarifications needed from plaintiffs	2.2

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October 2015/Village of Palmetto Bay (continued)

Litigation (continued)

10/9	CR	Re: fire station appeal, review proposed ordinance concerning development orders during appeal; review emails from Miami-Dade County Attorney re: same; review Miami-Dade County Code regarding development orders	1.1
10/9	CR	Citigroup v. Williams foreclosure; review file; email client re: foreclosed lien; begin drafting answer and affirmative defenses	0.6
10/14	DL	Discussions regarding necessary assurance from plaintiffs in fire station appeal; transmit required written assurances and clarifications	2.8
10/15	DL	Meet regarding fire station appeal; review defects and status of proposed settlement; decision to reject deficient settlement agreement if assurances and clarifications not signed	1.1
10/8	CR	Review Alexander Montessori School complaint; confer with TS; review Charter and applicable law	2.2
10-19	DL	Confer regarding fire station settlement; transmit demand for written signed clarifications and assurances; receive and review same	1.8
10/19	CR	Attend Council meeting which settles fire station lawsuit; call V. Bencomo concerning Schele file; confer with D. Chin concerning lien in Williams case	2.2
10/21	CR	Call from DL regarding final settlement agreement; email to Mayor	0.3
10/22	CR	Calls to opposing counsel regarding approval of fire dept proposed site plan, settling appeal	0.2
10/22	CR	Williams foreclosure; email from opposing counsel; review VPB code; second email to opposing counsel with applicable code provisions	0.3

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October 2015/Village of Palmetto Bay (continued)

Litigation (continued)

10/26	CR	Review and analyze Alexander School complaint; discuss with DL; review ordinance and Charter; Tapia foreclosure; attend status conference in Miami-Dade Circuit Court	2.2
10/28	CR	Williams foreclosure; email to Finance Director Chin concerning payoff	0.2
10/29	CR	Acosta liens; confer with d. Chin nad C. Hanselmann concerning second (overlooked) lien	0.6

Total Fees

Monthly total hours.....	84.6
Total fees due (@ \$190/hour.....)	\$ 16,074

Reimbursable Expenses

WestLaw computer research charge (at cost).....	\$ 220
Total Reimbursable Expenses.....	\$ 220

Total amount due (fees and expenses).....\$ 16,294

DL = Dexter Lehtinen CR = Claudio Riedi JC = John Catalano
BF = Bob de la Fuente TS – Tom Schultz